IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 19970 of 2004

Between:

Venkateswara Mahila Sakthisangham Rep. by its President Pantham Naga Venkata Rama Satya Vara Lakshmi, G.Dontamuru Rangampeta Mandal, East Godavari District.

..... PETITIONER

AND

1 The Revenue Divisional Officer Peddapuram Division, East Godavari

District.
2 The Mandal Revenue Officer Rangampeta Mandal
East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the order passed by the 2nd respondent in his proceedings Vide Ref.No.B/318/03 dt.18.10.2004 is illegal, arbitrary, unconstitutional, without jurisdiction and contrary to the provisions of A.P. Scheduled Commodities (Regulation of Distribution by Card System) order, 1973.

Counsel for the Petitioner: MR.G.KRISHNA MURTHY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the order passed by the second respondent, Mandal Revenue Officer, Rangampeta Mandal, East Godavari District, dated 18.10.2004, as arbitrary and illegal.

The petitioner Society is the authorised dealer in respect of the Fair Price Shop of village G.Dontamuru. It appears that a show-cause notice was issued by the first respondent, Revenue Divisional Officer, Peddapuram Division, East Godavari District, dated 15.10.2004, calling upon the petitioner to explain the allegations specified thereunder. The petitioner states that they have already submitted the necessary explanation and so far no orders have been passed by the first respondent. However, in the meanwhile, the impugned proceedings dated 18.10.2004 issued by the second respondent have been served on the petitioner stating that as per the instructions of the first respondent dated 18.10.2004, the authorisation of the petitioner is suspended to avoid law and order problem in the village and to maintain peaceful atmosphere. It is also stated that a dealer by name Sri.Y.Manikyala Rao has been kept in-charge until further

orders. The said order is assailed in this writ petition contending, *inter alia*, that the Mandal Revenue Officer has no jurisdiction to either suspend or cancel the authorisation.

It is pleaded that the Revenue Divisional Officer has not passed any order so far either suspending or cancelling the authoristaion of the petitioner and that even the instructions of the Revenue Divisional Officer, on the basis of which the impugned order was passed, have been served on the petitioner.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents and perused the material on record.

It is not in dispute that under the A.P. State Public Distribution System Control Order, 2001, the Revenue Divisional Officer is the competent authority and therefore he alone is competent either to suspend or cancel the authorisation.

The learned Government Pleader for Civil Supplies under instructions states that the Revenue Divisional Officer has not yet passed any order suspending or cancelling the authorisation of the petitioner, however only on the instructions received from the Revenue Divisional Officer, the Mandal Revenue Officer passed the order. In the circumstances, the impugned order being without jurisdiction cannot be sustained and the same is accordingly set aside. However, it is left open to the respondents to initiate appropriate proceedings in accordance with law, if the circumstances so warrant.

The writ petition is accordingly disposed of. No costs.

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16.11.2004

Note: Furnish CC by tomorrow

(b/o)

VGB

To

1 The Revenue Divisional Officer Peddapuram Division, East Godavari

District.

2 The Mandal Revenue Officer Rangampeta Mandal
East Godavari District.

3 2CCs to the Government Pleader for Civil Supplies, High Court

Buildings, Hyderabad (OUT)

4 2CD copies